



BellSouth Telecommunications, Inc. 615 214-6301
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333 Commerce Street
Nashville, Tennessee 37201-3300

Guy M. Hicks
General Counsel

May 5, 2000

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EXECUTIVE SECRETARY

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and NOW Communications, Inc. Pursuant to the Telecommunications Act of 1996*
Docket No. 00-00141

Dear Mr. Waddell:

Enclosed are fifteen copies of the May 1, 2000 Order of the Kentucky Public Service Commission denying NOW's Motion to Dismiss BellSouth's Petition for Arbitration. Copies of the Order have been provided to counsel for NOW Communications, Inc.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

cc: Honorable Richard Collier

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
MAY 03 2000
LEGAL DEPT. (KY.)

In the Matter of:

PETITION FOR ARBITRATION OF THE)
INTERCONNECTION AGREEMENT)
BETWEEN BELLSOUTH)
TELECOMMUNICATIONS, INC. AND)
NOW COMMUNICATIONS, INC.)
PURSUANT TO THE)
TELECOMMUNICATIONS ACT OF 1996)

CASE NO. 2000-089

O R D E R

On February 25, 2000, BellSouth Telecommunications, Inc. ("BellSouth") petitioned for arbitration with NOW Communications, Inc. ("NOW") seeking resolution of certain issues regarding negotiation of a resale agreement.

BellSouth contends that there are ten issues for Commission arbitration, including rates to be charged by BellSouth for NOW's access to the electronic and manual interfaces of BellSouth's operations support systems ("OSS") and functions. The other issues involve contracting language and terms.

On March 17, 2000, NOW filed a motion to dismiss BellSouth's petition. On March 21, 2000, NOW filed its formal response to BellSouth's petition, and on March 29, 2000, BellSouth filed its response to NOW's motion to dismiss. NOW's motion to dismiss argues that the Commission lacks subject matter jurisdiction to hear BellSouth's petition for arbitration because the petition was filed outside of the statutory window provided in 47 U.S.C. 252(b)(1).

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5/3/00, J

4. Parties shall file the original and twelve copies of all testimony. The original and at least three copies of the testimony shall be filed as follows:

- a. Together with cover letter listing each person presenting testimony.
- b. Bound in 3-ring binders or with any other fastener which readily opens and closes to facilitate easy copying.
- c. Each person's testimony should be tabbed.
- d. Every exhibit to each person's testimony should be appropriately marked.

5. Each party shall submit in contract form its best and final offer on each disputed issue no later than May 15, 2000.

6. Any agreed-upon portions of the parties' contracts, which have not already been filed, shall be filed by May 15, 2000.

Done at Frankfort, Kentucky, this 1st day of May, 2000.

By the Commission

ATTEST:


Executive Director

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2000, a copy of the foregoing document was served on the parties of record, via the method indicated:

☒ Hand
☐ Mail
☐ Facsimile
☐ Overnight

Richard Collier, Esquire
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

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